STATUTORY RULES OF NORTHERN IRELAND

2015 No. 215

LEGAL AID AND ADVICE

The Legal Aid for Crown Court Proceedings (Costs) (Amendment) Rules (Northern Ireland) 2015

Made - - - -	*13th April 2015*
Coming into operation	*5th May 2015*

The Department of Justice makes the following Rules in exercise of the powers conferred by Article 36(3) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(**1**), and now vested in it(**2**).

In accordance with Article 36(3) of that Order, the Department has consulted with the Lord Chief Justice, the Attorney General and the Crown Court Rules Committee and it has obtained the approval of the Department of Finance and Personnel.

In accordance with Article 37 of that Order, the Department has had regard to the matters specified in that Article.

Citation, commencement and application

1. These Rules may be cited as the Legal Aid for Crown Court Proceedings (Costs) (Amendment) Rules (Northern Ireland) 2015 and shall come into operation on 5th May 2015.

2. In these Rules a reference to a rule or Schedule by number alone is a reference to the rule or Schedule so numbered in or to the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005(**3**).

3.—(1) Without prejudice to paragraph (2), these Rules apply for the determination of costs which are payable in respect of work done under a criminal aid certificate granted under Article 29, or deemed to have been granted under Article 36(2), of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 on or after 5th May 2015.

(2) Rules 4 and 12(n) of these Rules also apply for the determination of costs which are payable in respect of work done under a criminal aid certificate granted under Article 29, or deemed to have been granted under Article 36(2), of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 before 5th May 2015 where the costs remain to be determined by the Department of Justice under rule 8 or 11, as applicable.

(**1**) S.I. 1981/228 (N.I. 8)
(**2**) S.I. 1982/159 and S.I. 2010/976
(**3**) S.R. 2005 No. 112, which was amended by S.R. 2009 No. 267, S.R. 2011 No. 152 and S.R. 2013 No. 293

Amendments to the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005

4. The Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005 are amended as follows.

5.—(1) In each place where it appears, for the term "the Commission" substitute the term "the Department".

(2) In each place where it appears, for the term "Guilty Plea 1 Fee" substitute the term "Guilty Plea Fee".

6. Subject to rules 9 and 12(h) and (i)(i) of these Rules, in each place where it appears, for the term "Guilty Plea 2 Fee" substitute the term "Trial Preparation Fee".

7. In rule 2—

(a) omit the definition of "the Commission";

(b) for the definition of "main hearing", substitute—

> ""main hearing" means—
>
> (a) in relation to a case which goes to trial, the trial,
>
> (b) in relation to a case where a Trial Preparation Fee is payable to counsel, the hearing at which pleas are taken or, where there is more than one such hearing, the last such hearing, and
>
> (c) in relation to any proceedings specified in paragraph 2 of Schedule 1, the final hearing".

8. In rule 7(1), omit "or within three months of his receipt of a copy of the certificate, whichever is the later".

9. In rule 8(3)(a), omit "or Guilty Plea 2 Fee, as applicable".

10. In rule 10(1), omit "or within three months of his receipt of a copy of the certificate, whichever is the later".

11. In rule 20, for paragraph (5), substitute—

> "In paragraph (2) "review period" means the period of three years beginning with 5th May 2015 and each subsequent period of three years.".

12. In Schedule 1—

(a) in paragraph 3(2), omit the words "at the first arraignment";

(b) in paragraph 3(3), after "shall be payable" insert "to counsel";

(c) in paragraph 4, after "and" insert ", subject to paragraph 4A,";

(d) after paragraph 4, insert—

> "**4A.**—(1) This paragraph applies to the following offences—
>
> (a) causing death by dangerous driving, contrary to Article 9 of the Road Traffic (Northern Ireland) Order 1995(**4**);
>
> (b) causing death by careless driving while under the influence of drink or drugs, contrary to Article 14 of the Road Traffic (Northern Ireland) Order 1995;

(**4**) S.I. 1995/2994 (N.I. 18)

(c) aggravated vehicle taking resulting in death, contrary to Article 172B of the Road Traffic (Northern Ireland) Order 1981(**5**).

(2) Notwithstanding the provisions in paragraphs 4 and 5(1)(a), for the purpose of this Schedule, the offences listed in sub-paragraph (1) shall be deemed to fall within Class D, rather than Class B, in the Table of Offences.";

(e) following paragraph 7, for the Tables of Basic Trial Fees, substitute the following Tables—

"**SOLICITOR**

		Actual Duration of Trial		
Offence falling within	*PPE Range*	*Trial Fee 1* *1 to 8 days*	*Trial Fee 2* *9 to 16 days*	*Trial Fee 3* *17 to 80 days*
Class A	1 – 750	£4,153	£5,524	£8,266
Class A	751 – 3,000	£6,419	£7,790	£10,532
Class A	3,001 – 4,430	£8,685	£10,056	£12,798
Class B	1 – 687	£1,494	£2,151	£3,140
Class B	688 – 1,462	£2,390	£3,047	£4,036
Class B	1,463 – 2,237	£3,286	£3,943	£4,932
Class C	1 – 714	£915	£1,309	£1,898
Class C	715 – 1,262	£1,510	£1,904	£2,493
Class C	1,263 – 1,809	£2,105	£2,499	£3,088
Class D	1 – 733	£2,313	£3,469	£4,614
Class D	734 – 1,631	£3,694	£4,851	£5,996
Class D	1,632 – 2,229	£5,076	£6,233	£7,377
Class E	1 – 750	£915	£1,309	£1,898
Class E	751 – 1,636	£1,510	£1,904	£2,493
Class E	1,637 – 2,521	£2,105	£2,499	£3,088
Class F	1 – 677	£1,060	£1,516	£2,198
Class F	678 – 1,225	£1,696	£2,152	£2,834
Class F	1,226 – 1,773	£2,332	£2,788	£3,470

(**5**) S.I. 1981/154 (N.I. 1)

		Actual Duration of Trial		
Offence falling within	*PPE Range*	*Trial Fee 1* *1 to 8 days*	*Trial Fee 2* *9 to 16 days*	*Trial Fee 3* *17 to 80 days*
Class G	1 – 750	£1,734	£2,602	£3,461
Class G	751 – 1,750	£2,775	£3,642	£4,501
Class G	1,751 – 2,750	£3,816	£4,683	£5,542
Class H	1 – 750	£915	£1,309	£1,898
Class H	751 – 1,443	£1,510	£1,904	£2,493
Class H	1,444 – 2,135	£2,105	£2,499	£3,088
Class I	1 – 870	£915	£1,309	£1,898
Class I	871 – 1,606	£1,510	£1,904	£2,493
Class I	1607 – 2,341	£2,105	£2,499	£3,088

COUNSEL

Queen's Counsel										
	Actual Duration of Trial									
Offence falling within	*Trial Fee 1* *1 to 8 days*	*Trial Fee 2* *9 to 16 days*	*Trial Fee 3* *17 to 24 days*	*Trial Fee 4* *25 to 32 days*	*Trial Fee 5* *33 to 40 days*	*Trial Fee 6* *41 to 48 days*	*Trial Fee 7* *49 to 56 days*	*Trial Fee 8* *57 to 64 days*	*Trial Fee 9* *65 to 72 days*	*Trial Fee 10* *73 to 80 days*
Class A	£6,000	£8,000	£12,000	£16,000	£20,000	£28,000	£36,000	£48,000	£60,000	£72,000
Class B	£2,138	£3,074	£4,477	£5,969	£7,461	£10,446	£13,434	£17,907	£22,384	£26,861
Class C	£1,871	£2,673	£3,875	£5,167	£6,458	£9,041	£11,627	£15,499	£19,374	£23,249
Class D	£4,000	£6,000	£8,000	£12,000	£15,000	£21,000	£27,000	£36,000	£44,999	£53,999

Queen's Counsel

	Actual Duration of Trial									
Offence falling within	*Trial Fee 1*	*Trial Fee 2*	*Trial Fee 3*	*Trial Fee 4*	*Trial Fee 5*	*Trial Fee 6*	*Trial Fee 7*	*Trial Fee 8*	*Trial Fee 9*	*Trial Fee 10*
	1 to 8 days	*9 to 16 days*	*17 to 24 days*	*25 to 32 days*	*33 to 40 days*	*41 to 48 days*	*49 to 56 days*	*57 to 64 days*	*65 to 72 days*	*73 to 80 days*
Class E	£1,871	£2,673	£3,875	£5,167	£6,458	£9,041	£11,627	£15,499	£19,374	£23,249
Class F	£1,871	£2,673	£3,875	£5,167	£6,458	£9,041	£11,627	£15,499	£19,374	£23,249
Class G	£2,673	£4,009	£5,345	£7,126	£8,908	£12,741	£16,038	£21,379	£26,724	£32,068
Class H	£1,871	£2,673	£3,875	£5,167	£6,458	£9,041	£11,627	£15,499	£19,374	£23,249
Class I	£1,871	£2,673	£3,875	£5,167	£6,458	£9,041	£11,627	£15,499	£19,374	£23,249

Leading Junior Counsel

	Actual Duration of Trial									
Offence falling within	*Trial Fee 1*	*Trial Fee 2*	*Trial Fee 3*	*Trial Fee 4*	*Trial Fee 5*	*Trial Fee 6*	*Trial Fee 7*	*Trial Fee 8*	*Trial Fee 9*	*Trial Fee 10*
	1 to 8 days	*9 to 16 days*	*17 to 24 days*	*25 to 32 days*	*33 to 40 days*	*41 to 48 days*	*49 to 56 days*	*57 to 64 days*	*65 to 72 days*	*73 to 80 days*
Class A	£4,500	£6,000	£9,000	£12,000	£15,000	£21,000	£27,000	£36,000	£45,000	£54,000
Class B	£1,604	£2,305	£3,358	£4,477	£5,597	£7,835	£10,076	£13,431	£16,789	£20,147